

EXHIBIT B

MICHAEL DWAYNE MARKS AND
MIKELL MARKS

27th JUDICIAL DISTRICT COURT

VERSUS

DOCKET NUMBER: 16-C-4790-C

FOREST RIVER, INC., CAMPING WORLD
RV SALES, LLC, SRVJH, INC.,
PROGRESSIVE SECURITY INSURANCE
COMPANY, AND AMERICAN MODERN
INSURANCE COMPANY

ST. LANDRY PARISH, LOUISIANA

PETITION FOR DAMAGES

NOW INTO COURT, through undersigned counsel, come Plaintiffs, MICHAEL DWAYNE
MARKS AND MIKELL MARKS, residents and domiciliaries of St. Landry Parish, Louisiana, of
the full age of majority, who respectfully represent, as follows:

1.

11/07/16 15:16:26
St. Landry Parish Clerk of Court

Made Defendants herein are:

- a. **FOREST RIVER, INC.**, a foreign corporation authorized to do and
doing business in the State of Louisiana, who may be served through
their agent for service of process, Corporation Service Company, 501
Louisiana Avenue, Baton Rouge, LA 70802;
- b. **CAMPING WORLD RV SALES, LLC**, (formerly doing business
as "Southern RV"), a foreign limited liability company, authorized to
do and doing business in the State of Louisiana, who may be served
through their agent for service of process, CT Corporation System,
3867 Plaza Tower Drive, Baton Rouge, LA 70816; and
- c. **SRVJH, Inc.**, (formerly Southern RV, Inc.), a domestic corporation,
authorized to do and doing business in the State of Louisiana, who
may be served through their agent for service of process, Kenneth R.
Jenkins, 3625 Industrial Drive, Bossier City, LA 71112;

all of whom are liable individually, jointly, and in solido, to Plaintiffs, MICHAEL DWAYNE
MARKS AND MIKELL MARKS, for the following, as follows:

2.

At all times pertinent hereto, Michael and Mikell Marks were the owners of a certain
residence located at 340 Collins Road, Opelousas, Louisiana 70570 ("Marks residence").

3.

In June 2014, Michael and Mikell Marks purchased a 2015 Prime Spartan 1234X travel
trailer, identified by VIN: 52T3STZF9FG300179 (subject travel trailer"), from Camping World RV
Sales, LLC, or SRVJH, Inc.

St. Landry Parish Clerk of Court's Office

Filed Nov. 9 20 16

Reed Stelf
By: Clerk

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Reed Stelf
DEPUTY CLERK

4.

The subject travel trailer was manufactured, assembled, marketed and/or sold by Forest River, Inc.

5.

On or about November 8, 2016, a fire occurred in the subject travel trailer while it was parked and unoccupied outside of the Marks residence. The fire resulted in substantial damage to the travel trailer and the Marks residence.

6.

The fire originated in the area of the subject travel trailer's electrical distribution panel ("electrical distribution panel"), which was installed and wired into the electrical system of the travel trailer by Forest River, Inc.

7.

A preliminary investigation has revealed that the fire was caused by a defect(s) existing in the wiring associated with the electrical distribution panel and/or the wiring associated with the electrical system of the travel trailer.

8.

Defendant, Forest River, Inc. is liable unto Plaintiffs for the following acts of negligence and/or fault:

- A. Improperly wiring the electrical system of the subject travel trailer;
- B. Improperly servicing the subject travel trailer;
- C. Manufacturing, assembling, marketing and/or selling a product which was unreasonably dangerous in construction or composition;
- D. Manufacturing, assembling, marketing and/or selling a product which is unreasonably dangerous in design;
- E. Manufacturing, assembling, marketing and/or selling a product which is unreasonably dangerous because an adequate warning about the product was not provided;
- F. Failure to adequately warn users of the risks/dangers of the product subsequent to acquiring such knowledge; and
- G. All other acts of negligence and/or fault that will be shown at the trial of this matter.

9.

The subject travel trailer is defective, absolutely useless for its intended purpose and/or its use so inconvenient and imperfect that Michael and Mikell Marks would not have purchased the travel trailer had they known of the defect(s).

10.

Alternatively and/or in addition, the defect(s) existing in the subject travel trailer diminish its usefulness and/or value to the extent that Michael and Mikell Marks would have paid a lesser price and therefore are entitled to a reduction in the purchase price.

11.

The defect(s) existing in the subject travel trailer were known or should have been known to Defendants, Forest River, Inc., Camping World RV Sales, LLC, and/or SRVJH, Inc., but was unknown to Plaintiffs.

12.

Defendants, Forest River, Inc., Camping World RV Sales, LLC, and/or SRVJH, Inc., are liable to Michael and Mikell Marks in redhibition for restitution of the purchase price and repayment of expenses occasioned by the sale, including, but not limited to, taxes, title, license fees and insurance payments, for attorney's fees and court costs.

13.

At all times pertinent hereto, Progressive insured the subject travel trailer and provided coverage for the damages sustained thereto.

14.

Plaintiffs suffered the total loss of their home, loss of contents of their home, suffered emotional distress and mental anguish, and other items of damage which were not fully compensated by insurance, and therefore seek damages that are reasonable in the premises. The damages exceed the jurisdictional requirements of this Court, and exceed \$50,000.00 exclusive of interest and costs.


WHEREFORE, Plaintiffs, MICHAEL DWAYNE MARKS AND MIKELL MARKS, pray that there be judgment in their favor and against Defendants, FOREST RIVER, INC., CAMPING WORLD RV SALES, LLC, AND SRVJH, INC., for damages that are reasonable in the premises, together with legal interest from the date of judicial demand until paid.

PLAINTIFFS FURTHER PRAY FOR ALL GENERAL AND EQUITABLE RELIEF.

Respectfully submitted:

MORROW, GATES & MORROW, L.L.C.

BY


JAMES S. GATES (Bar Roll No. 16933)
613 S. Main Street
Opelousas, LA 70571-0219
(337) 942-6529 (telephone)
(337) 948-4364 (facsimile)
Attorney for Plaintiffs, Michael Dwayne Marks, and
Mikell Marks

St. Landry Parish Clerk of Court's OFFICE
I HEREBY CERTIFY THAT A COPY OF THE
FOLLOWING HAS BEEN MAILED ON THIS
14 DAY OF NOV - 20 16
ALL COUNSEL OF RECORD.
Filed Nov. 9, 20 16
Pearl Stelf
DEPUTY CLERK

PLEASE SERVE:

1. **FOREST RIVER, INC.,**
who may be served through their agent for service of process
Corporation Service Company
501 Louisiana Avenue
Baton Rouge, LA 70802
2. **CAMPING WORLD RV SALES, LLC**
who may be served through their agent for service of process
CT Corporation System
3867 Plaza Tower Drive
Baton Rouge, LA 70816
3. **SRVJH, INC.**
who may be served through their agent for service of process
Kenneth R. Jenkins
3625 Industrial Drive
Bossier City, LA 71112

MICHAEL DWAYNE MARKS AND
MIKELL MARKS

27th JUDICIAL DISTRICT COURT

VERSUS

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RV SALES, LLC, SRVJH, INC.,
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ST. LANDRY PARISH, LOUISIANA

REQUEST FOR NOTICE OF TRIAL DATE, ETC.

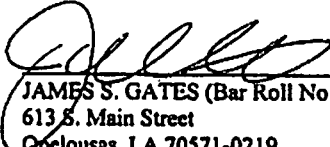
TO THE CLERK OF COURT of the 27th Judicial District Court in and for the Parish of
St. Landry, Louisiana;

PLEASE TAKE NOTICE that the firm of MORROW, GATES & MORROW, attorneys for
Plaintiffs, MICHAEL DWAYNE MARKS AND MIKELL MARKS, does hereby request written
notice of the date of trial of the above matter, as well as notice of hearings (whether on merits or
otherwise), orders, judgment and interlocutory decrees, and any and all formal steps taken by the
parties herein, the Judge or any member of the Court, as provided in the Louisiana Code of Civil
Procedure.

Respectfully submitted:


MORROW, GATES & MORROW, L.L.C.

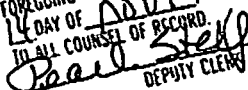
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Attorney for Plaintiff, MICHAEL DWAYNE
MARKS AND MIKELL MARKS

St. Landry Parish Clerk of Court's Office

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